

### **REMARKS**

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

#### **A. Status of Claims**

Claims 1-17 are pending. Claims 1, 7, 10, 13, 14, 16 and 17 are amended. Claim 3 is cancelled without prejudice or disclaimer. Claims 18-25 are new. Explanations for these amendments are discussed in greater detail below. No new matter is added by these amendments, and their entry is respectfully requested.

#### **B. Claim Objections**

The Office Action objected to claims 7 and 10 because of informalities. Pursuant to those objections, claim 7 is amended to change the word “positions” to “positioned”, and claim 10 is amended to change the word “dames” to “dams”. The objections to claims 7 and 10 are therefore respectfully requested to be withdrawn.

#### **C. Rejections Under 35 U.S.C. § 112**

The Office Action rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

With respect to claim 1, the Office Action asserted that the following language from claim 1 is unclear: “a studded plate is used at the formwork close of the first cast section.” (Office Action, p. 3). Claim 1 is amended to recite, *inter alia*, “A method of denticulation of a concrete joint between a first and a second cast section, wherein a studded plate is used ~~at the formwork close of~~ as a formwork for the first cast section at the location of the joint. . . .” In light of this amendment, the § 112 rejection of claim 1 is respectfully requested to be withdrawn.

The Office Action also rejected claims 7, 13, 14, 16 and 17 under § 112, second paragraph, as being indefinite because they each recite both a broad range/limitation as well as a narrow range/limitation that falls within that broad range/limitation. (Office Action, pp. 3-4).

Specifically, the Office Action asserted:

- claim 7 recites the broad recitation “polygonal pattern” as well as “such as a hexagon, or other symmetrical or irregular design”;<sup>1</sup>
- claim 7 also recites “in a pattern” as well as “such as a square diamond, polygonal pattern”;
- claim 13 recites “large concrete components” as well as “including bridges, tunnels, and in the walls of buildings, dams or containers”;
- claim 14 recites a broad recitation for the ranges of the studs in the studded plate as well as “even more preferably where the studded plate is a PLATON DE25 plate”;
- claim 16 recites a broad recitation including the ranges of dimensions of the studs in the studded plate as well as “even more preferably where the studded plate is a PLATON DE25 plate”;
- claim 17 recites “large concrete components” as well as “including in boxed walls on a free balanced cantilever”.

Claims 7, 13, 14 and 16 are amended to recite only the broader ranges/limitations, and new claims 18-25 are added to recite the narrower ranges/limitations. Specifically, new claims 18-20 contain narrower ranges/limitations previously recited in claim 7, new claims 21-24 contain narrower ranges/limitations previously recited in claim 13, and new claim 25 contains narrower ranges/limitations previously recited in claims 14 and 16. Claim 17 is amended to recite the narrow range/limitation because the broad range/limitation is already recited in

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<sup>1</sup> The Office Action rejected claim 1 on this ground, but because claim 1 does not recite this language, whereas claim 7 does, Applicants respectfully submit that the Office Action erroneously referred to claim 1, rather than claim 7, and Applicants’ response on this ground will therefore be directed to claim 7.

amended claim 13. In light of these amendments, the § 112 rejection of claims 2 and 4-17 is respectfully requested to be withdrawn.

**D. Rejections Under 35 U.S.C. § 102 and § 103**

The Office Action rejected claims 1, 2, 6, 10-14 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,618,888 to Wise (“Wise”). The Office Action also rejected claims 3, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Wise as applied to claims 1, 2, 6, 10-14 and 17. The Office Action also rejected claims 5, 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Wise as applied to claims 1, 2, 6, 10-14 and 17, and in further view of DE 4,328,787 to Johnsen (“Johnsen”). Finally, the Office Action rejected claim 9 as being unpatentable over Wise as applied to claims 1, 2, 6, 10-14 and 17, and in further view of U.S. Patent Application Publication No. 2002/0009566 by Schertzberg et al. (“Schertzberg”). Applicants respectfully traverse the rejections.

Claim 1 is amended to recite:

“1. A method of denticulation of a concrete joint between a first and a second cast section, wherein a studded plate is used as a formwork for the first cast section at the location of the joint, and that the studded plate is subsequently removed before the second section is cast;

wherein the studded plate has studs where the stud side wall inclination angle is greater than 60°.”

Wise is directed to a “casting form for making long concrete slabs whose sides have grout keys extending longitudinally of the slab as well as transversely (between top and bottom slab faces).” (Wise, col. 1, lines 1-6). The Office Action admits that Wise “does not appear to explicitly disclose the stud side wall inclination angle.” (Office Action, p. 9). Rather, the Office Action asserts that Wise discloses that “the slope of the dimple should satisfy geometrical conditions to enhance stripping of the studded plate from the concrete slab.” (Office

Action, p. 9, citing Wise, col. 3, lines 45-75). Accordingly, the Office Action asserts it would have been obvious to one of ordinary skill “to optimize the inclination angle of the stud side wall in order to satisfy geometrical conditions and help to enhance stripping of the studded plate from the concrete slab after it has been cast.” (Office Action, p. 10, citing Wise, col. 3, lines 45-75).

Applicants respectfully submit that this conclusion is not supported by Wise’s specification. Wise discloses that satisfaction of the foregoing geometrical conditions dictates a “wedge shape of ‘dimple’ **40** with top side maximum depth close to the top of the ‘dimpled’ plate portion **35** has particular value in a casting form.” (Wise, col. 3, lines 73-75). Wise does not disclose that satisfying the geometrical conditions dictates or suggests a specific range for the angle of inclination of the sides of the dimple, namely, **40b**, **40c**, **41b**, or **41c**. Indeed, Wise does not even refer to the sides of the dimple during its discussion of satisfying the geometrical conditions to enhance stripping of the studded plate.

Even assuming, as the Office Action suggests, that it would have been obvious to one of ordinary skill to optimize the angle of inclination of the stud side wall to satisfy these geometrical conditions—which it is not—Wise is not an enabling reference. Wise does not disclose or teach anything to suggest that the angle of inclination should be greater than 60°. Accordingly, Wise fails to constitute an enabling prior art reference with respect to the angle of inclination of the stud side wall. Therefore, Wise fails to disclose, teach or suggest, “wherein the studded plate has studs where the stud side wall inclination angle is greater than 60°,” as recited in Applicants’ amended claim 1.

Thus, Wise fails to teach each element of Applicants’ amended claim 1. Nor do any of the additional secondary references (Johnsen, Schertzberg) teach each of the elements of amended claim 1. Claim 1 is therefore respectfully submitted to be in condition for allowance.

For at least similar reasons, claims 2 and 4-25 are also respectfully submitted to be in condition for allowance.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Additionally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claim, from which they depend, is in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address rejections of the dependent claims in the future as appropriate

**CONCLUSION**

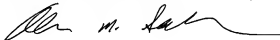
Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 1004475.001US. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Applicants have enclosed a petition for a one (1) month extension of time. In the event that a further extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004475.001US. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
LOCKE LORD BISSELL & LIDDELL, L.L.P.



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